

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| WILLIAM RHODES, | : | |
| | : | <u>ORDER</u> |
| | : | |
| Plaintiff, | : | 22 Civ. 5264 (AKH) |
| -against- | : | |
| | : | |
| FIRST RELIANCE STANDARD LIFE | : | |
| INSURANCE COMPANY, | : | |
| | : | |
| Defendant. | : | |
| | : | |
| ----- | X | |

ALVIN K. HELLERSTEIN, U.S.D.J.:

Under the Employee Retirement Income Security Act (“ERISA”) § 502(g)(1), a court may “allow a reasonable attorney’s fee and costs of action to either party.” On April 26, 2023, I held that First Reliance violated ERISA’s claim procedure regulations, resulting in a denial of Rhodes’s right to a full and fair review of his claims. *Rhodes v. First Reliance Standard Life Ins. Co.*, No. 22-CV-5264 AKH, 2023 WL 3099294 (S.D.N.Y. Apr. 26, 2023). The question of what constituted reasonable attorneys’ fees remained, though.

I find that Rhodes’s request for \$121,999.28 in attorneys’ fees is reasonable. It reflects the work completed on the case and includes a 10% reduction which sufficiently accounts for any inefficiencies in litigating the case. Moreover, the rates charged by Riemer Hess are reasonable in light of the firm’s experience and capability in matters such as these.

The Plaintiff’s request for costs of maintaining his medical file is denied. The \$917.65 expended to keep the medical file current is better categorized as a legal work-up and is not recoverable.

SO ORDERED.

Dated: December 27, 2023
New York, New York

_____/s/ Alvin K. Hellerstein_____
ALVIN K. HELLERSTEIN
United States District Judge